

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE

MARGARET R. REED)	
)	
)	
)	
Plaintiff,)	
vs.)	No.
)	JURY TRIAL DEMANDED
)	
WAL-MART STORES EAST, LP, and)	
WAL-MART REAL ESTATE BUSINESS)	
TRUST)	
)	
)	
Defendants.)	

COMPLAINT

1. The Plaintiff, **Margaret Reed**, brings this civil action against the Defendants, **Wal-Mart Stores East, LP and Wal-Mart Real Estate Business Trust**, and files a copy of her Complaint, certified by her attorney as being true and correct for the purpose of accompanying the summons, for damages in an amount no less than Two Million Three Hundred and Fifty Thousand Dollars (\$2,350,000).

PARTIES

2. The Plaintiff, **Margaret Reed**, is a citizen and resident of Hamblen County, Tennessee, residing at 1035 West Skyline Drive Morristown, Tennessee 37813.

3. The Defendant, **Wal-Mart Stores East, LP**, is an Arkansas corporation and can be served through its registered agent: C T Corporation System, 300 Montvue Road, Knoxville, Tennessee 37919-5546.

4. The Defendant, **Wal-Mart Real Estate Business Trust**, is a Delaware

business trust and can be served through its registered agent: C T Corporation System, 300 Montvue Road, Knoxville, Tennessee 37919-5546.

JURISDICTION & VENUE

5. The Court has subject matter jurisdiction pursuant to 28 U.S. Code § 1332 because there is complete diversity and the amount in controversy exceeds \$75,000.00.

6. The Court has *in personam* jurisdiction over the Defendants because the Plaintiff's cause of action arises from the Defendants' activities in or contacts with the forum state. Specifically, Plaintiff's cause of action arises from the Defendants' failure to satisfy Defendants' duty to remedy or warn about a dangerous condition occurring on property owned by Wal-Mart Real Estate Business Trust and maintained/operated by Wal-Mart Stores East, LP.

7. The Court is a proper venue pursuant to 28 U.S. Code § 1391(b)(1) because a substantial part of the events or omissions giving rise to the claim occurred in this judicial district.

FACTUAL ALLEGATIONS

5. On May 3, 2019, the Plaintiff, **Margaret Reed**, was a customer at the WAL-MART store #685 located at 475 Crockett Trace Drive, Morristown, Tennessee. After shopping for groceries with her son, Ms. Reed was returning to her vehicle parked in a handicap parking area when her foot struck a "bubble" (a swollen area) in the pavement in the handicap parking area and fell. As a result of the fall, Ms. Reed sustained a right hip fracture that has left her totally disabled.

CAUSES OF ACTION

COUNT I: NEGLIGENCE

6. The Plaintiff, **Margaret Reed**, brings this action against the Defendants, **Wal-Mart Stores East, LP and Wal-Mart Real Estate Business Trust**, for personal injuries, damages, and medical bills and expenses she was caused to receive on or about May 3, 2019. As a result of this accident, **Margaret Reed** has sustained serious and disabling injuries and pain and suffering. Said injuries to the Plaintiff have resulted in permanent disability and have impaired her capacity for work, labor, business and the enjoyments and pleasures of life. As a result of these injuries, Plaintiff has incurred and shall continue to incur medical bills as well as pain and suffering.

7. The Defendants, **Wal-Mart Stores East, LP and Wal-Mart Real Estate Business Trust**, their agents and employees were negligent in the following manner:

a. The Defendants, **Wal-Mart Stores East, LP and Wal-Mart Real Estate Business Trust**, and their agents and employees knew or should have known that the pavement in the parking lot would deteriorate over time and would need maintenance and repairs periodically and failed to perform said maintenance and repairs periodically;

b. The Defendants, **Wal-Mart Stores East, LP and Wal-Mart Real Estate Business Trust**, and their agents and employees knew or should have known that a dangerous condition had formed in the pavement in the portion of the parking lot

containing handicap parking spaces but failed to perform the necessary maintenance and repairs to remedy the dangerous condition;

d. The Defendants, **Wal-Mart Stores East, LP and Wal-Mart Real Estate Business Trust**, their agents and employees were negligent in that they knew or should have known of the dangerous condition and failed to warn customers of the dangerous condition

e. The Defendants, **Wal-Mart Stores East, LP and Wal-Mart Real Estate Business Trust**, and their agents and employees had a heightened duty to be vigilant about the portion of the parking lot containing handicap parking spots in that the Defendants knew or should have known that persons with infirmities and disabilities would frequently be in this area and that those persons are more prone to tripping and falling over hazardous conditions and the Defendants breached that heightened duty by failing to remedy a dangerous condition that formed in the handicap parking area.

8. The Defendants' failure to monitor the pavement, to perform needed repairs, and failure to warn were proximate causes of the Plaintiff's injuries.

9. The agents and employees of the Defendants were negligent by failing to take immediate corrective action and/or warn the Plaintiff.

10. The violations of the aforementioned common law duties by the Defendants constitute negligence and that negligence was a direct and proximate cause of the incident and the injuries and damages sustained by the Plaintiff.

11. The Defendants, **Wal-Mart Stores East, LP and Wal-Mart Real Estate Business Trust**, are responsible for the negligent acts of their employees and agents under the doctrine of *respondeat superior*.

WHEREFORE, the Plaintiff, **Margaret Reed**, asks for judgment against the Defendants, **Wal-Mart Stores East, LP and Wal-Mart Real Estate Business Trust**, in a sum of no less than Two Million Three Hundred and Fifty Thousand Dollars, (\$2,350,000), and asks for a jury in the trial of this cause.

Respectfully submitted,

/s/Denise S. Terry
Denise S. Terry, BPR #012478

Of Counsel:

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